

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 865**  
94TH GENERAL ASSEMBLY

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Reported from the Committee on Small Business, Insurance and Industrial Relations, February 28, 2008, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 865, adopted April 24, 2008.

Taken up for Perfection April 24, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 143.141, RSMo, and to enact in lieu thereof two new sections relating to prohibiting discrimination in life insurance based upon lawful travel destinations, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 143.141, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 143.141 and 376.502, to read as  
3 follows:

143.141. If federal taxable income of a resident individual is determined  
2 by itemizing deductions from his federal adjusted gross income, he may elect to  
3 deduct his Missouri itemized deduction in lieu of his Missouri standard  
4 deduction. The Missouri itemized deduction of a resident individual means the  
5 allowable federal itemized deductions which consist of allowable federal  
6 deductions other than those allowable in arriving at federal adjusted gross income  
7 and other than the federal deductions for personal and dependency exemptions,  
8 with the following modifications:

9 (1) Reduced by the proportional amount thereof representing the tax  
10 imposed by sections 143.011 to 143.998;

11 (2) Reduced by the proportional amount thereof representing any income  
12 taxes imposed by another state of the United States or a political subdivision  
13 thereof or the District of Columbia;

14 (3) Increased by the fair market value of a literary, musical, scholarly, or  
15 artistic composition contributed to any tax exempt agency or institution which is

16 operated on a not-for-profit basis by any taxpayer whose personal efforts created  
17 such composition less the amount deducted from federal adjusted gross income  
18 attributable to such contribution. The fair market value of such literary, musical,  
19 scholarly or artistic composition shall be determined by written appraisal of the  
20 property by a person qualified to make such an appraisal other than the taxpayer,  
21 the donee, or any "related taxpayer" within the meaning of such term as defined  
22 by sections 267(b) and 1313(c) of the Internal Revenue Code, as amended. The  
23 appraisal shall be made within one year of the date of the donation and attached  
24 to the taxpayer's income tax return;

25 (4) Increased to the extent not otherwise deductible, by the taxes for the  
26 same taxable year for which the return is being filed that are imposed by the  
27 following provisions of the Internal Revenue Code:

28 (a) Section 3101, relating to the tax on employees under the Federal  
29 Insurance Contributions Act;

30 (b) Sections 3201 and 3211, relating to the taxes on railroad employees  
31 and railroad employee representatives under the Railroad Retirement Tax Act;

32 (c) Section 1401, relating to tax on self-employment income, to the extent  
33 that such taxes were not deducted in the computation of the taxpayer's federal  
34 adjusted gross income under the Internal Revenue Code of 1986, as amended;

35 **(5) Increased by the amount paid for the premium for a life**  
36 **insurance policy, the sole beneficiary of which is:**

37 **(a) A trust provided under the provisions of 42 U.S.C. Section**  
38 **1396p(d)(4)(A); and**

39 **(b) A "resident trust" as defined by section 143.331 at the time in**  
40 **which the policy is issued and during the coverage period to which the**  
41 **premium amount is applied.**

376.502. 1. No life insurance company doing business within this  
2 state shall deny or refuse to accept an application for life insurance,  
3 refuse to renew, cancel, restrict, or otherwise terminate a policy of life  
4 insurance, or charge a different rate for the same life insurance  
5 coverage, based upon the applicant's or insured's past or future lawful  
6 travel destinations. Nothing in this section shall prohibit a life  
7 insurance company from denying an application for life insurance, or  
8 charging a different premium or rate for such coverage under such  
9 policy based on a specific travel destination where the denial or rate  
10 differential is based upon sound actuarial principles or is related to

11 **actual or reasonably anticipated experience.**

12 **2. A violation of the provisions of this section shall be an unfair**  
13 **trade practice as defined by sections 375.930 to 375.948, RSMo, and**  
14 **shall be subject to all of the provisions and penalties provided by such**  
15 **sections.**

16 **3. The provisions of this section shall apply to any life insurance**  
17 **policy issued or renewed on or after August 28, 2008.**

✓  
Unofficial

Bill

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